

Notice of Allowability

Application No.

09/919,917

Examiner

Pankaj Kumar

Applicant(s)

BRUNEL, LOIC

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/15/2007.
2. ☒ The allowed claim(s) is/are 16-23, 25-28 and 30-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Pankaj Kumar
Primary Examiner
Art Unit: 2611

DETAILED ACTION

Allowable Subject Matter

1. Claims 16-23, 25-28, 30-33 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter: As per claims 16-23, 25-28, the combination of the following two factors:
 3. a) the latest amendment
 4. b) the respective independent claims were, in an earlier amendment dependent claims at which time they were objected and subsequently these objected dependent claims were written in independent form including all of the limitations of the base claim and any intervening claims.
5. As per claims 30-33: The art of record does not suggest the respective claim combinations together and nor would the respective claim combinations be obvious with: at the output of each antenna, a plurality of filters, each adapted to different signal propagation paths, wherein each of said plurality of estimators is associated with a path (i) and is configured to receive an output of a corresponding filter.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (571) 272-3011. The examiner can normally be reached on Monday through Friday.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pankaj Kumar
Primary Examiner
Art Unit 2611

PK

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Applicant argued that phase difference does not give phase rotation. This is not persuasive since it is common knowledge and JP405333144A was introduced to teach this common knowledge that phase difference gives the phase rotation.

Applicant argued that they are estimating the attenuation from the phase rotation while Wagstaff is attenuating based on the phase rotation and thus the two are different. This is not persuasive since for Wagstaff to attenuate the noise, it is inherent for it to estimate how much to attenuate.

Applicant argued that they are estimating the attenuation while Stein is determining the magnitude of the attenuated information and thus the two are different. This is not persuasive since their claim is worded to estimate an attenuation undergone by the signal. Since the signal undergoes attenuation, the signal is an attenuated signal and an estimate is being made on it.

As per determining vs. estimating in Stein, since Stein is determining based on what it has received, Stein is inherently estimating what it has received since Stein does not know for sure what it has received is what was transmitted.

Applicant argued that they are estimating attenuation from the angle of arrival while Stein determines that it is from the first source direction and then determines the magnitude of the attenuated information signal. This is not persuasive. Even if claims are interpreted this way, it is a mere reversal of the reference since if the reference has determining the attenuation and then determining the direction and if applicant has determining the direction and then determining the attenuation, then the two are reverses of each other. It has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Applicant was asked to remove invention title from abstract
Applicant was asked to put in headings in the spec